



where C.O. Brigance is not assigned, as soon as possible. In light of such move, the court finds plaintiff's preliminary injunctive request for transfer to another correctional facility to be unnecessary. Plaintiff's allegations that he is likely to suffer harm while anywhere in JCCC at the hands of defendants who are assigned to work in Housing Unit No. 7 are unsubstantiated and, thus, the court finds transferring plaintiff to another correctional institution to be unnecessary.

This case will be set for trial in early 2006 (order setting trial to follow) so that a jury can make a factual determination as to plaintiff's claims.

IT IS, THEREFORE, ORDERED that plaintiff's motions for preliminary injunctive relief are granted, in part, and denied, in part [18, 27, 28, 32, 33, 34, 68, 78]. It is further

ORDERED that plaintiff be transferred from Housing Unit No. 7 to Housing Unit No. 8 or other appropriate hall at Jefferson City Correctional Center. It is further

ORDERED that plaintiff's motions for preliminary injunctive relief requesting transfer from Jefferson City Correctional Center to another correctional facility are denied. It is further

ORDERED that plaintiff's motion for hearing on his motion for preliminary injunctive relief is denied [89].

/s/Scott O. Wright

SCOTT O. WRIGHT

Senior United States District Judge

Dated: 10-27-05